

In the Matter of:

Plaintiff,

v.

Defendant.

DEMAND AMOUNT \$285,000

1.

1- COMPLAINT FOR COMPENSATION FOR DAMAGES FOR PERSONAL INJURY

2.

This claim involves more than \$75,000, exclusive of costs and interest, and this court has jurisdiction of this claim under 28 U.S.C. § 1332.

3.

On or about June 15, 2021, plaintiff was working as a marine carpenter for Performance Contracting to re-seal windows on defendant's tug AURORA on the Columbia River near Vancouver, Washington. As he was walking around the tug's house at the stern of the vessel, he stepped through a temporary opening in the grating of the deck that led to a vertical ladder to the lower level of the tug that had no warnings or barricades to prevent injury.

4.

The defendant was negligent in one or more of the following respects:

(a.) Its employees opened the deck's grating leading to the lower level of the tugs without any warning when they knew or should have known the plaintiff was working on the tug and did not know of this opening;

(b.) Its employees opened the grating on the deck at the aft end of the tug covering the vertical ladder to the lower level and failed to place barricades around it so no one would step into it; and

(c.) Its employees violated the Occupational Safety and Health Act ("OSHA") by creating a walking and working surface that was unsafe under the circumstances.

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5.

As a result of the defendant's negligence as alleged, plaintiff stepped into the hole in the grating, fracturing three ribs and injuring his chest wall, ribs, back, shoulders and neck. Some or all of these injuries are permanent, and plaintiff is entitled to compensation for his non-economic damages in the form of \$250,000.

6.

As a further result of defendant's negligence, plaintiff lost time from work as a marine carpenter and is entitled to about \$25,000 to date in loss of income and is losing additional income.

7.

As a further result of defendant's negligence, plaintiff incurred about \$10,000 in medical bills to date and will incur additional treatment.

WHEREFORE, plaintiff prays that this court enter judgment in favor of him and against defendant in the sum of \$250,000 in non-economic damages, \$35,000 in economic damages and for his costs and disbursements.

Dated July 3, 2023


CHARLES ROBINOWITZ OSB#691497
Attorney for plaintiff

Request for Jury Trial

Plaintiff requests a jury trial.


CHARLES ROBINOWITZ OSB#691497
Attorney for plaintiff